

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

EDDIE L. CURBEAM, JR.,	:	
Plaintiff,	:	CIVIL ACTION
v.	:	
	:	
MONTGOMERY COUNTY	:	
CORRECTIONAL FACILITY, et al.,	:	
Defendants.	:	NO. 12-2309

ORDER

AND NOW, this 25th day of January, 2013, upon consideration of Plaintiff Eddie Curbeam, Jr.'s Complaint (Docket No. 4), the Motion to Dismiss filed by Defendants PrimeCare Medical, Inc., Kathryn Hogan, and Debbie McFadden (the "PrimeCare Defendants") (Docket Nos. 17-18), the Motion to Dismiss filed by Defendants Montgomery County and Julian Algarin (the "County Defendants") (Docket No. 20), and Mr. Curbeam's responses thereto (Docket Nos. 19, 25), and for the reasons stated in the accompanying Memorandum, it is hereby ORDERED that the County Defendants' Motion is GRANTED and the PrimeCare Defendants' Motion is GRANTED in part and DENIED in part as follows:

1. The County Defendants' Motion to Dismiss (Docket No. 20) is GRANTED with prejudice with respect to Mr. Curbeam's claim for intentional infliction of emotional distress, and GRANTED without prejudice with respect to his remaining claims.
2. The PrimeCare Defendants' Motion to Dismiss (Docket No. 17) is GRANTED in part without prejudice as to Mr. Curbeam's deliberate indifference claim against PrimeCare Medical, and DENIED in part with respect to his remaining claims.

3. If Mr. Curbeam chooses to file an amended complaint, he shall do so by February 8, 2013.
4. The PrimeCare Defendants shall answer or otherwise respond to Mr. Curbeam's complaint either by February 22, 2013, or within fourteen (14) days of his filing an amended complaint, whichever is earlier.

BY THE COURT:

s/Gene E.K. Pratter
GENE E.K. PRATTER
United States District Judge